

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

HARTFORD CASUALTY INSURANCE
COMPANY,

Plaintiff,

v.

FIREMAN'S FUND INSURANCE
COMPANY, et al.,

Defendants.

Case No. 15-cv-02592-SI

**ORDER ON SUPPLEMENTAL
BRIEFING**

Re: Dkt. No. 74

Presently before the Court is Fireman's motion for summary judgment. The motion, now set for hearing on July 8, 2016, was filed and briefing was completed prior to the June 30, 2016 non-expert discovery cutoff. Dkt. No. 74. Hartford opposes the motion both on substantive grounds, and because it has yet to depose four witnesses (Donna M. Bacarti, Lynn Hadfield, and the Persons Most Knowledgeable from Fireman's Fund and Burns & Wilcox) who are asserted to be "necessary and critical to [its] prosecution of its case[.]" Dkt. No. 79 at 23.¹ Fireman's asserts in reply that (1) Hartford has not indicated why such evidence was not discovered or obtained earlier in the proceeding, and (2) Hartford has not demonstrated that these witnesses will proffer additional evidence as to a material fact. Dkt. No. 86 at 18.

Since non-expert discovery has not closed, Hartford is entitled to take the four identified depositions, and should do so forthwith, if it has not already. Under these circumstances, the Court GRANTS Hartford leave to file a supplementary brief of no more than 15 pages, no later than **July 1, 2016**, with any relevant material it has gathered from the four depositions. If Hartford does so, Fireman's may file an opposition not to exceed 15 pages no later than **July 5, 2016**.

¹ The page numbers cited refer to the page numbers generated by ECF.

1 The Court will consider these submissions on the Court's **July 8, 2016** calendar along with
2 the two pending motions for summary judgment filed by Fireman's and Burns & Wilcox.

3
4 **IT IS SO ORDERED.**

5 Dated: June 13, 2016



SUSAN ILLSTON
United States District Judge

United States District Court
Northern District of California